

Adopted	Rejected
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## COMMITTEE REPORT

YES:	12
NO:	0

### MR. SPEAKER:

*Your Committee on Education, to which was referred House Bill 1462, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 3, between lines 18 and 19, begin a new paragraph and insert:
- 2       "SECTION 2. IC 20-24-8-5, AS AMENDED BY P.L.2-2006,
- 3       SECTION 111, IS AMENDED TO READ AS FOLLOWS
- 4       [EFFECTIVE JULY 1, 2009]: Sec. 5. The following statutes and rules
- 5       and guidelines adopted under the following statutes apply to a charter
- 6       school:
- 7       (1) IC 5-11-1-9 (required audits by the state board of accounts).
- 8       (2) IC 20-39-1-1 (unified accounting system).
- 9       (3) IC 20-35 (special education).
- 10      (4) IC 20-26-5-10 and ~~IC 20-28-5-9~~ **IC 20-28-5-9.3** (criminal
- 11      history).
- 12      (5) IC 20-26-5-6 (subject to laws requiring regulation by state
- 13      agencies).
- 14      (6) IC 20-28-7-14 (void teacher contract when two (2) contracts
- 15      are signed).

- 1 (7) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- 2 (8) IC 20-28-10-14 (teacher freedom of association).
- 3 (9) IC 20-28-10-17 (school counselor immunity).
- 4 (10) For conversion charter schools only, IC 20-28-6, IC 20-28-7,
- 5 IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- 6 (11) IC 20-33-2 (compulsory school attendance).
- 7 (12) IC 20-33-3 (limitations on employment of children).
- 8 (13) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student
- 9 due process and judicial review).
- 10 (14) IC 20-33-8-16 (firearms and deadly weapons).
- 11 (15) IC 20-34-3 (health and safety measures).
- 12 (16) IC 20-33-9 (reporting of student violations of law).
- 13 (17) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
- 14 observances).
- 15 (18) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8,
- 16 or any other statute, rule, or guideline related to standardized
- 17 testing (assessment programs, including remediation under the
- 18 assessment programs).
- 19 (19) IC 20-33-7 (parental access to education records).
- 20 (20) IC 20-31 (accountability for school performance and
- 21 improvement).".

22 Page 4, between lines 2 and 3, begin a new paragraph and insert:

23 "SECTION 6. IC 20-28-4-11, AS ADDED BY P.L.150-2006,  
 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2009]: Sec. 11. (a) This section applies only to:

- 26 (1) a school corporation; or
- 27 (2) a subject area;

28 that is designated by the state board as having an insufficient supply of  
 29 licensed teachers.

30 (b) The governing body of a school corporation or the appointing  
 31 authority of an accredited nonpublic school may employ a program  
 32 participant if the program participant is hired to teach in a subject area  
 33 or a school corporation to which this section applies.

34 (c) Before employing a program participant under subsection (b),  
 35 the superintendent of the school corporation must make a  
 36 determination that one (1) of the following conditions exists:

- 37 (1) There is no fully certified and highly qualified teacher
- 38 available for the position.

1 (2) The program participant is the best qualified candidate for the  
2 position.

3 (d) A program participant who is employed under this section is  
4 eligible to receive a transition to teaching permit. The transition to  
5 teaching permit is valid for three (3) years, and may not be renewed.  
6 ~~IC 20-28-5-9~~ **IC 20-28-5-9.3** applies to a program participant who  
7 applies for a transition to teaching permit.

8 (e) A program participant who is employed under this section:

9 (1) shall enter into either:

10 (A) a regular teacher's contract under IC 20-28-6-5; or

11 (B) a temporary teacher's contract under IC 20-28-6-6, if  
12 replacing a teacher on a leave of absence;

13 (2) is eligible to participate in a mentor teacher program; and

14 (3) satisfies the field or classroom experience component of the  
15 program under section 4(3) of this chapter.

16 (f) The state board:

17 (1) shall review; and

18 (2) may renew;

19 the designation of a school corporation or a subject area as having an  
20 insufficient supply of licensed teachers not more than two (2) years  
21 following the initial designation under subsection (a).".

22 Page 4, delete line 18.

23 Page 4, line 24, delete "." and insert "**, or when the governing body  
24 or equivalent authority for a nonpublic school takes any final  
25 action in relation to an employee who engaged in any offense listed  
26 in subsection (c).**".

27 Page 5, delete lines 16 through 42, begin a new paragraph and  
28 insert:

29 **"(e) The department shall develop a data base of information on  
30 school corporation employees who have been reported to the  
31 department under this section.**

32 SECTION 7. IC 20-28-5-9.3 IS ADDED TO THE INDIANA CODE  
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
34 1, 2009]: **Sec. 9.3. Before employing a potential employee to fill any  
35 position in a school corporation, the superintendent must conduct  
36 an expanded criminal history check as described under  
37 IC 20-28-1-6.2.**".

38 Page 6, delete lines 1 through 9, begin a new paragraph and insert:

1 "SECTION 8. IC 20-33-8-9, AS ADDED BY P.L.1-2005, SECTION  
2 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]: Sec. 9. (a) This section applies to an individual who:

4 (1) is a teacher or other school staff member; and

5 (2) has students under the individual's charge.

6 (b) An individual may take any action that is reasonably necessary  
7 to carry out or to prevent an interference with an educational function  
8 that the individual supervises.

9 (c) Subject to rules of the governing body and the administrative  
10 staff, an individual may remove a student for a period that does not  
11 exceed five (5) school days from an educational function supervised by  
12 the individual or another individual who is a teacher or other school  
13 staff member.

14 **(d) If an individual removes a student from class for violent or**  
15 **disruptive behavior, or an ongoing pattern of classroom procedure**  
16 **violations under subsection (c), the principal may place the student**  
17 **into another appropriate classroom or placement, or into inschool**  
18 **suspension. The principal may not return the student to that**  
19 **teacher's class until the principal has met with the:**

20 (1) student;

21 (2) student's teacher; and

22 (3) student's parent;

23 **to determine an appropriate behavior plan for the student. If the**  
24 **meeting under this section does not take place within a reasonable**  
25 **period of time, the student may be moved to another classroom at**  
26 **the principal's discretion.**

27 **(e) A school counselor may act on behalf of the student's parent**  
28 **to develop an appropriate behavior plan if the parent does not**  
29 **participate in the meeting under subsection (d)."**

30 Page 7, between lines 11 and 12, begin a new paragraph and insert:

- 1 "SECTION 10. IC 20-28-5-9 IS REPEALED [EFFECTIVE JULY
- 2 1, 2009].".
- 3 Renumber all SECTIONS consecutively.  
(Reference is to HB 1462 as introduced.)

**and when so amended that said bill do pass.**

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Representative Porter